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ABSTRACT

Designed for those seeking information relative to Federal aid and educational opportunities now afforded the American Indian, this brief booklet describes the Indian Education Act of 1972 (Title IV Public Law 92-318, Education Amendments of 1972). The 4 major components of this Act provide for financial aid to: Part A--local and nonlocal educational agencies; Part B--special programs and projects designed to improve educational opportunities for Indian children through support of pilot and demonstration projects; Part C--programs designed to improve Indian adult education; and Part D--establishment of a Bureau-level Office of Indian Education within the U.S. Office of Education (for administration of grants and contracts under the 1972 Act) and a National Advisory Council on Indian Education (members charged with advisory and evaluative responsibilities relative to governmental programs affecting Indian interests). Additional brochure information includes reference to previous educational legislation affecting the Indian, programs already funded via this Act, the initial steps necessary for those desiring to establish programs under this Act, and the major conditions necessary for application approval as specified in Parts A, B, and C of this Act. (JC)

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THE INDIAN EDUCATION ACT OF 1972

Answers to Your Questions

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THE INDIAN EDUCATION ACT OF 1972

U.S. DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

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What is the Indian Education Act of 1972?

It is a congressional declaration of policy in recognition of the special educational needs of Indian students in the United States.

On June 23, 1972, the Indian Education Act of 1972 was signed into law as Title IV, Public Law 92-318, Education Amendments of 1972, thus creating new educational opportunities for Indian children and adults.

This Act provides Federal financial assistance (1) to public school systems, as well as to Indian community schools on or near reservations, for the purpose of planning, developing, and carrying out elementary and secondary school programs specifically designed to meet the special educational needs of Indian children; and (2) to Indian tribes and organizations, as well as to State and local educational agencies, for special planning, pilot, and demonstration projects and programs to improve educational opportunities for Indian children and adults. In addition, establishment of an Office of Indian Education in the U.S. Office of Education (OE) was authorized, and a National Advisory Council on Indian Education was created to provide policy direction and guidance to the Congress and to advise the Commissioner of Education regarding the administration of any program in which Indian children or adults participate or benefit.

The Indian Education Act of 1972, therefore, has been designed to help Native Americans, both on and off reservations, to realize enriched educational opportunities.

Why did the Act come about?

The Indian Education Act of 1972 is not the first Federal congressional effort to improve the quality of public education for Indian pupils.

In 1934, the Johnson-O'Malley Act made Federal funds available for scholarships and related expenditures on behalf of Indian students. In 1952, Public Laws 874 and 815 were enacted, providing funds to compensate local school districts for tax revenue lost because of nontaxable Federal properties or operations in or near them. In 1965, under Title I of the Elementary and Secondary Education Act (ESEA), Federal funds were made available to school districts reporting high concentrations of low-income families

so that special programs might be offered for all classes of "disadvantaged pupils" in attendance, including disadvantaged Indian pupils.

Although 70 percent of all Indian pupils residing in public school districts were reported in 1970 to be "disadvantaged," and therefore eligible to participate in ESEA, Title I, federally funded programs, only one-fourth were actually enrolled in such programs.

Other OE programs from which Indian students may benefit as part of the general target population include Supplementary Services (ESEA, Title III); Bilingual Education (ESEA, Title VII); Right To Read; Follow Through; Drug Abuse Education; Education for the Handicapped; Emergency School Aid; Teacher Corps; Adult Education Special Projects; Basic Educational Opportunity Grants; Work-Study; Cooperative Education; Special Programs for the Disadvantaged (Higher Education Act (HEA), Title IV-A); Strengthening Developing Institutions (HEA, Title III); and Grants for Public Libraries. However, there is controversy over the effectiveness of these programs in meeting the needs of Indian children.

Although many Federal education programs have benefited Indian students to some extent over the years, there has been no coordinated effort among them to focus on the special educational requirements of Indian students. Hence, a need arose for legislation that would more clearly focus on a realistic distribution of Federal funds specifically earmarked for the design and implementation of special educational programs for Indian students.

What are the functions of the Office of Indian Education?

The Office of Indian Education administers programs of grants to local and nonlocal educational agencies for elementary and secondary school programs designed to meet the special educational needs of Indian children, as well as grants or, where applicable, contracts with eligible institutions, organizations, agencies, or Indian tribes for special programs and projects to improve educational opportunities for Indian children and adults. The Deputy Commissioner of Indian Education also coordinates other efforts to improve educational opportunities for Indians at all educational levels.

The following working components make up the Office of Indian Education:

Immediate Office of the Deputy Commissioner
Program Management Coordination
Planning
Part A Management
Parts B and C Management

What does the Act do?

Part A of the Act provides grants on a formula basis to local school systems for (1) planning and other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of these programs; and (2) the establishment, maintenance, and operation of programs, including minor remodeling of classroom or other space used specifically for such programs, and acquisition of necessary equipment. In addition, a special provision in the Act allots not more than 10 percent of Part A funds to Indian-controlled schools located on or near reservations.

Part B of the Act authorizes discretionary grants to Indian tribes and organizations as well as to State and local educational agencies for use in special programs and projects to improve educational opportunities for Indian children. These include (1) supporting planning, pilot, and demonstration projects designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children, such as bilingual/bicultural educational programs and special health, social, and psychological problems of Indian children; (2) assisting in the establishment and operation of programs designed to stimulate the provision of educational services not available to Indian children in sufficient quantity or quality, and the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated, such as remedial and compensatory instruction, guidance, counseling, and testing services; (3) assisting in the establishment of preservice and inservice training programs to improve the qualifications of persons serving Indian children as teachers, teacher aides, social workers, and other educational personnel; (4) encouraging the dissemination of information and materials concerning educational programs, services, and resources available to Indian children, and evaluation of the effectiveness of educational programs which may offer educational opportunities to Indian children.

The Education Amendments of 1974 also provide authority to make grants for special educational training programs for teachers of Indian children and to award fellowships for Indian students in graduate and professional programs.

Part C provides assistance to State and local educational agencies and to Indian tribes, institutions, and organizations to support planning, pilot, and demonstration projects to plan for, test, and demonstrate the effectiveness of programs for providing adult education to Indians. Such programs include (1) those which enable participants to obtain high school diplomas, improve their communication skills, and participate in career development, research and development programs to create more innovative and effective techniques for achieving the literacy and high school equivalency goals; (2) surveys and evaluations to define accurately the extent on Indian reservations of the problems of illiteracy and of failure to complete high school; dissemination of information concerning educational programs, services, and resources available to Indian adults.

Part D of the Act provides for the establishment of a Bureau-level Office of Indian Education within the U.S. Office of Education. It further provides for the establishment of a National Advisory Council on Indian Education comprising 15 members who are Indians or Alaskan Natives and who are charged with advisory and evaluatory responsibilities relative to governmental programs affecting Indian interests.

What has the Act accomplished?

Of the 2,565 local education agencies (LEA's) eligible in 1973 for grants under Part A of the Act, 547 LEA's applied for and 436 (enrolling some 135,000 Indian students) actually received assistance totaling $11.5 million. This amount included special funds allotted to 10 Indian community schools located on or near reservations. The median expenditure per pupil supported by the grants was $81. Total amounts of individual grants ranged from $1,000 to more than $500,000. The typical grant was under $10,000 and served between one and two hundred Indian pupils.

In addition to the grants awarded under Part A of the Act, some $5 million was made available under Part B, permitting grants to 51 agencies. These grants ranged from $2,460 to $300,000. Another one-half million dollars provided support for 10 adult education projects under Part C.

Studies of the impact and effectiveness of funded proposals are in process, but as yet there is little hard data because the Act is still in its infancy. In general, however, it can be stated that monies were expended under the Act to meet the most pressing educational needs of the applicant districts and their Indian students in particular. Fiscal Year 1973 projects placed greatest emphasis on the development of curriculum objectives, particularly in reading and language arts, for Indian children. Next in emphasis were projects aimed at counseling and social development, which include aid to Indian students with respect to self-image, self-care, and peer relations. In addition, many projects stressed staff development with major objectives including the addition of new staff and provisions for training existing staff members.

What programs have been funded?

In Fiscal Year 1973, under Part A of the Indian Education Act, $11.5 million was awarded for projects based on some 135,000 Indian students enrolled in 436 public school districts in 31 States. Grants range from a single award of $1,500 to serve 22 students in a West Virginia school system to awards of more than $1.6 million to 165 Oklahoma school districts serving nearly 26,000 Indian pupils.

Likewise, under a special provision of Part A of the Indian Education Act, 10 Indian-controlled schools located on or near reservations received awards totaling $547,618.

The Office of Education received 378 applications for FY 73 grants under Part B of the Indian Education Act. Fifty-one of these applications were funded for a total of $5 million. Some of the grants were made for the following purposes:

1. Alaska Native Education Board, Bethel, for a bilingual-bicultural program for Alaskan village schools.
2. Cocopah Tribal Council, Arizona, for tribal involvement through education.
3. Coalition of Indian Controlled School Boards, Inc., Colorado, for Indian parent group training.
4. Confederated Tribes of the Warm Springs Reservation, Oregon, for an Indian internship project.

Under Part C of the Indian Education Act, 10 grants were awarded in FY 73 for one-half million dollars.

The grants directed to adult education for Indians included the following typical awards:

1. Stanislaus Chapter, California Indian Education Association, for training in communication skills.
2. St. Paul American Indian Center, Minnesota, for a demonstration project for career training for dropouts and unemployed.
3. Sisseton-Wahpeton Sioux Tribe, South Dakota, for an adult learning center pilot project.

Prior to awards each fiscal year, all applications properly submitted before the deadline dates are reviewed by the Office of Education staff, field readers from the Indian community, and the National Advisory Council on Indian Education. Grants are made based on recommendations of the above in conjunction with the criteria established within the Indian Education Act and its regulations as published in the *Federal Register*.

What should be done prior to application submission?

Local and nonlocal educational agencies, Indian tribes, organizations, and institutions desiring to establish programs which they feel should be supported under terms of the Indian Education Act are advised to follow the steps outlined below:

1. Procure a copy of the Indian Education Act (Public Law 92-318, Title IV, June 23, 1972, and the rules and regulations applying to both Part A and Parts B and C applications).

   (Rules and Regulations, Part A (LEA's)—*Federal Register*, Vol. 38, No. 129, July 6, 1973; and Rules and Regulations, Part A (Non-LEA's)—*Federal Register*, Vol. 39, No. 122, June 24, 1974)

   (Rules and Regulations, Parts B and C—*Federal Register*. Vol. 38, No. 141, July 24, 1973)
2. Determine whether the program or activities contemplated fall under Part A, B, or C.
3. Consult the *Federal Register* for deadlines for applications (around February for Part A and around December for Parts B and C).
4. Request the proper application form from the Office of the Deputy Commissioner of Indian Education.
5. For Part A, perform needs assessment and con-

sult with Indian parents, teachers, and, where appropriate, Indian secondary school students, in one or more public hearings. This may be done well in advance of completing the application form.

6. For Part B, set up a mechanism for participation by parents of the children to be served and by the tribal community in planning a community development project.
7. For Part C, set up a mechanism for participation by individuals to be served and the tribal community in planning and developing the project.
8. Begin the other detailed procedures mandated as conditions for approval of your type of application.

What are the major conditions for the approval of Part A applications?

Part A applications, as described previously, deal with financial aid to local and nonlocal educational agencies.

The basic conditions an applicant must satisfy are as follows:

1. Conduct a needs assessment;
2. obtain open consultation (including at least one public hearing) with the Indian community to be served;
3. provide assurance that the program has been developed with the formal participation and approval of a parent committee which has been properly selected (with 50 percent or more parents) by parents of Indian children participating in the program, by teachers, and, where applicable, by Indian secondary school students;
4. obtain parent committee's signature on the application to be submitted;
5. design the program to meet the special educational needs of Indian children.

Other requirements:

1. Provide that the activities and services for which assistance is sought will be administered or supervised by the applicant;
2. provide assurance that the program will substantially increase the educational opportunities of Indian children to be served;

3. provide policies and procedures which assure the ongoing operation and evaluation (including annual objective measurement) of the program in consultation with and involvement of Indian parents, the Indian community, and the parent committee;
4. provide a list of names and addresses of members of the Parent Committee;
5. provide policies and procedures which assure supplemental use of funds;
6. provide for fiscal control and fund accounting procedures;
7. provide assurance that the program will utilize the best available talents and resources, including those of persons from the Indian community.

The above conditions are basic to every application. The determination of which individual applications are approved depends upon whether they meet the requirements of the Act and its rules and regulations as published in the *Federal Register*, Vol. 38, No. 129, July 6, 1973. All applications, however, must be submitted prior to the deadline published in the *Federal Register*.

What are the conditions for approval of Part B applications?

Part B applications, as described previously, deal with special programs and projects designed to improve educational opportunities for Indian children through support of pilot and demonstration projects.

The basic conditions an applicant must satisfy are the following:

1. The problem to be addressed has been clearly established;
2. the objectives for the program have been determined and clearly defined;
3. the administration of the program will be conducted according to required guidelines;
4. procedures for evaluation of the program will be implemented;
5. proper control and account of the funds as well as a statement concerning coordination with other available funds will be provided to the U.S. Commissioner of Education.

These conditions are basic to every application. The determination of which individual applications are

approved for implementation depends on the degree to which each of the conditions are filled, the degree to which the proposed program is judged to offer increased educational opportunities, and evidence that parents of Indian children to be served and the Indian community were consulted and involved in the planning and development of the project, and that they will be expected to continue to participate in the development of the project.

Part B grants are awarded on a competitive basis. (For more specific criteria, see the rules and regulations published in the *Federal Register*, Vol. 38, No. 141, July 24, 1973.) All applications, however, must be submitted prior to the deadline published in the *Federal Register*.

What are the conditions for approval of Part C applications?

Part C applications, as described previously, deal with programs designed to improve adult education for Indians.

The basic conditions an applicant must satisfy are the following:

1. The problem to be addressed has been clearly established;
2. the objectives for this program have been determined and clearly defined;
3. the administration of the program will be conducted according to required guidelines;
4. procedures for evaluation of the program will be implemented;
5. proper control and account of the funds as well as a statement concerning coordination with other available funds will be provided to the U.S. Commissioner of Education.

These conditions are basic to every application. The determination of which individual applications are approved for implementation depends on the degree to which each of the conditions is filled and evidence that the individuals to be served and the tribal community participated in the planning and development of the project, and that they will be expected to continue to participate in its development.

Part C grants are awarded on a competitive basis. (For more specific criteria, see the rules and regulations published in the *Federal Register*, Vol. 38, No.

141, July 24, 1973.) All applications, however, must be submitted prior to the deadline published in the *Federal Register*.

Where can further information about any aspect of The Indian Education Act be obtained?

Detailed information, forms for applications, deadline dates, etc., may be requested by writing to:

Office of Indian Education
U.S. Office of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

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